




DEPARTMENT OF MENTAL HEALTH POLICY/PROCEDURE

SUBJECT CLIENT RIGHT TO REQUEST RESTRICTIONS TO USE AND DISCLOSURE	POLICY NO. 501.07	EFFECTIVE DATE 04/14/2003	PAGE 1 of 2
APPROVED BY:  Director	SUPERSEDES 500.23 04/14/2003	ORIGINAL ISSUE DATE	DISTRIBUTION LEVEL(S) 1

PURPOSE

- 1.1 To establish a policy pursuant to the Health Insurance Portability and Accountability Act of 1996 (HIPAA) Privacy Rule to ensure that clients have the right to request restrictions to the use and disclosure of their Protected Health Information (PHI).

POLICY

- 2.1 The Department of Mental Health (DMH) will allow a client to request that the use and disclosure of their PHI be restricted. DMH will not agree to client requests to restrict the use or disclosure of PHI for purposes of treatment, payment or health care operations beyond those restrictions imposed by law.

PROCEDURE

- 3.1 DMH shall permit a client to request to restrict use and disclosure of PHI for treatment, payment and health care operations purposes, and disclosure to those involved in the client's care or payment for such client's care and for notification purposes. The client may be asked to complete and submit the Client's Request for Restriction of Use and Disclosure of Health Information form (Attachment I). If the client refuses or is unable to complete the form, DMH shall complete the form on behalf of the individual.
- 3.2 DMH is not required to agree to the client's request for restriction. At this time, all requests will be denied until DMH can better access how it will properly manage and support such requests.
- 3.3 If a client submits a completed Client's Request for Restriction of Use and Disclosure of Health Information form, DMH will sign the bottom of the last page and inform the client that it will not be able to support at this time.



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3.4 DMH will include the signed form in the client's health record.

DOCUMENTATION RETENTION

4.1 DMH will retain all documents created or completed under this policy for a period of at least six (6) years from the date of its creation or the date when it last was in effect, whichever is later.

AUTHORITY

HIPAA, 45 CFR Section 164.522(a)

ATTACHMENT

Attachment I Client's Request for Restriction of Use and Disclosure of Health Information